

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>BEVERLY WALL and</b>	)	
<b>JOHNNY WALL,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
<b>vs.</b>	)	<b>No. 3:18-cv-00598</b>
	)	<b>JURY DEMAND</b>
<b>WAL-MART STORES EAST, L.P.,</b>	)	<b>JUDGE CRENSHAW</b>
	)	<b>MAGISTRATE HOLMES</b>
<b>Defendant.</b>	)	

**DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT**

Defendant Wal-Mart Stores East, LP ("Wal-Mart") hereby moves this Honorable Court for summary judgement.

This is a premises liability case.

Plaintiff brought this action to recover for injuries allegedly sustained on August 19, 2017, when she tripped on a pallet in the produce section at Wal-Mart store #3495 located in Clarksville, Tennessee.

**GROUND**

Wal-Mart is entitled to summary judgment because (1) the plaintiff cannot establish that Wal-Mart had a duty to remove or warn of any alleged danger posed by the pallet, and (2) plaintiff's comparative fault caused the accident and bars plaintiff's claims. There is no genuine dispute as to any material fact, and Wal-Mart is entitled to judgment as a matter of law.

### **SUPPORTING DOCUMENTS**

In support of this Motion, Wal-Mart submits a memorandum of law, a statement of material facts, and excerpts from Beverly Wall's deposition, pp. 25-27, 31-33, 48-51, 54, 56-57, 82-83 (attached hereto as Exhibit A).

Based upon the foregoing and the documents filed contemporaneously herewith, Wal-Mart respectfully requests that this Honorable Court enter an Order granting this Motion for summary judgment and dismissing all claims against Wal-Mart accordingly.

### **RESPECTFULLY SUBMITTED:**

s/ Greg Callaway  
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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via ECF upon Billy J. Marlowe, 404 James Robertson Pkwy., Suite 1613, Nashville, TN 37219; on this 3<sup>rd</sup> day of February 2020.

s/ Greg Callaway